

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NICHOLAS DANIEL BURSHIA,

Defendant.

CR-17-29-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on May 31, 2023. (Doc. 57.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on May 30, 2023. (Doc. 55) The United States accused Nicholas Burshia, (Burshia) of violating his conditions of supervised release 1) by failing to complete his sex offender treatment program; 2) by failing to comply with his substance abuse testing requirement; and 3) by failing to notify his probation officer of a change in residence. (Doc. 51.)

At the revocation hearing, Burshia admitted that he had violated the terms of his supervised release 1) by failing to complete his sex offender treatment program; 2) by failing to comply with his substance abuse testing requirement; and 3) by failing to notify his probation officer of a change in residence. (Doc. 55.) Judge Johnston found that the violations Burshia admitted proves serious and warrants revocation of his supervised release and recommends a custodial sentence until October 23, 2023, with 51 months supervised release to follow, with the first 180 days of supervised release at a residential re-entry center. (Doc. 57.) Burshia was advised of his right to appeal and his right to allocute before the undersigned. He waived those rights. (Doc. 55.) The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 57) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Nicholas Daniel Burshia be sentenced to the Bureau of Prison for until October 23, 2023, with 51 months supervised release to follow, with the first 180 days of supervised release spent at a residential re-entry center.

DATED this 1st day of June, 2023.



Brian Morris, Chief District Judge
United States District Court